

## REMARKS

This is intended as a full and complete response to the Office Action dated August 8, 2006, having a shortened statutory period for response set to expire on November 8, 2006. Please reconsider the claims pending in the application for reasons discussed below.

Claims 1-24 remain pending in the application and are shown above. Claims 1-24 are rejected. Reconsideration of the rejected claims is requested for reasons presented below.

### I. REJECTION OF CLAIMS 1-24 UNDER 35 U.S.C. §103(a).

Claims 1–24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flanner et al.* (U.S. Patent 6,410,437) in view of *Gabriel et al.* (U.S. Patent 6,599,839). Although on page 2 of the Office Action dated August 8, 2006, claims 1-24 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Flanner et al.* (U.S. Patent 6,410,437) in view of *Gabriel et al.* (U.S. Patent 6,599,839), Applicants previously submitted a declaration under 35 C.F.R. § 1.131 to remove *Gabriel et al.* as prior art in Applicants response to office action dated November 30, 2005. It is believed that the Examiner's intention was to reject claims 1-24 under 35 U.S.C. § 103(a) as being unpatentable over *Flanner et al.* (U.S. Patent 6,410,437) in view of *Annapragada et al.* (U.S. Patent 6,518,174). Applicants will treat the rejection as *Flanner et al.* (U.S. Patent 6,410,437) in view of *Annapragada et al.* (U.S. Patent 6,518,174). Applicants respectfully traverse the rejection.

Applicants have attached a **Declaration Under 35 U.S.C. §1.131** that shows invention of the relevant subject matter in independent claims 1 and 21 by Applicants prior to December 22, 2001, the filing date of *Annapragada et al.* Therefore, the submitted declaration is sufficient to remove *Annapragada et al.* and thus overcome the rejection of claims 1-24. Allowance of claims 1-24 is respectfully requested.

As a result, *Flanner et al.* and either *Annapragada et al.* or *Gabriel et al.* do not teach, show, or suggest forming a barrier layer on a substrate having a metal layer

thereon, forming a first organosilicate layer on the barrier layer, forming a silicon oxide layer on the first organosilicate layer, forming a second organosilicate layer on the silicon oxide layer, and etching the second organosilicate layer to define vias therein, wherein the second organosilicate layer is etched with a gas mixture comprising a hydrogen containing fluorocarbon and one or more gases selected from the group consisting of hydrogen (H<sub>2</sub>), nitrogen (N<sub>2</sub>), oxygen (O<sub>2</sub>), argon (Ar), and helium (He) as recited in independent claim 1 and claims 2-20 dependent thereon.

Furthermore, *Flanner et al.* and either *Annapragada et al.* or *Gabriel et al.* do not teach, show, or suggest forming a barrier layer on a substrate having a metal layer thereon, forming a first organosilicate layer on the barrier layer, forming a silicon oxide layer on the first organosilicate layer, forming a second organosilicate layer on the silicon oxide layer, and etching the second organosilicate layer to define vias therein, wherein the second organosilicate layer is etched with a gas mixture comprising one or more hydrogen-containing fluorocarbon gases and one or more gases selected from the group consisting of hydrogen (H<sub>2</sub>), nitrogen (N<sub>2</sub>), oxygen (O<sub>2</sub>), argon (Ar), and helium (He), and etching the silicon oxide layer to transfer the vias defined in the second organosilicate layer therethrough, wherein the silicon oxide layer is etched with a mixture comprising a fluorocarbon gas as recited in independent claim 21 and claims 22-24 dependent thereon. Therefore, withdrawal of the rejection is respectfully requested.

## II. CONCLUSION

In conclusion, the references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

Having addressed all issues set out in the office action, Applicants respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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